

BP 2517

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REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application. This application has been carefully reviewed in light of the Official Action mailed July 31, 2006. Applicants respectfully request reconsideration and favorable action in this case.

NONSTATUTORY DOUBLE PATENTING REJECTION

Claims 1-6, 10-14, 21-25 and 27 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,909,332 in view of Gupta 6,362,698. The examiner states:

The claims of the '332 patent are directed to the same basic multiplexer subcombination and the demultiplexer sub-combination. However, these claims are silent on the use of a vco that has filtering circuit composed of a capacitor and variable resistor. Note that the elected invention of figure 8A only has a FET 406 and this accordingly to applicant has a capacitor and variable resistor structure. Gupta discloses that a vco having a capacitor and variable resistor structure is well known in the art. Note the FETs M7 and M8. This clearly like that of applicant's figure 8A provides for a filtering function thereby enhancing the function of the vco. Thus it would have been obvious to add a vco with a filter function to the claimed invention of the '332 as this is well known for enhancing the function of the vco as taught by Gupta. In other words the addition of a vco that has a filter function does not present a patentable distinction over the claimed vco of the '332 patent. Also note that the claimed method claims that include claim 21 of the instant application is a result of the structure made obvious above and accordingly, these claims cannot form a patentable distinction over the invention made obvious above.

The applicant respectfully traverses the examiner's assertion regarding nonstatutory obviousness-type double patenting. Although the applicant respectfully traverses the nonstatutory double patenting rejection as stated above, the applicant respectfully submits a terminal disclaimer to overcome the provisional rejection based on nonstatutory double patenting.

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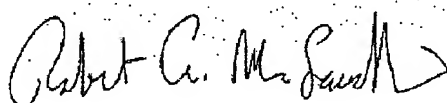
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A two (2) month extension is requested with the appropriate fee is attached. While Applicants believe no other fees are due with this transmission, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2126 of Garlick, Harrison & Markison, LLP.

Please associate this application with customer number 51472.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below. Please reference Attorney Docket No. BP2517.

Respectfully submitted,



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Reg. No. 44,924

Date: December 31, 2006

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